

Type of Bylaw: Scenic Roadways

Problems/Challenges Addressed: Scenic quality/town character

Town: Dover

Commentary: Local scenic roadway bylaws are authorized by the Scenic Road Act (Massachusetts General Laws Chapter 40, Section 15C) and regulate the cutting of trees and alteration of stone walls within the right-of-way of designated scenic roads. The city/town can designate which scenic roads within its boundaries are subject to these provisions. It should be noted that **the Scenic Road Act does not apply to private land outside the road right-of-way**. To further protect the scenic qualities of roadsides, a corridor overlay district and/or access management provisions should be implemented. Examples of these two provisions follow.

Greater Gardner Sustainable Growth Management Plan
Sample Bylaws for Growth Management

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Type of Bylaw: Scenic Corridor Overlay District

Problems/Challenges Addressed: Approval-Not-Required development

Towns: Monson (Scenic District), Leverett (Rattlesnake Gutter Overlay District)

Commentary: Scenic corridor overlay districts regulate the design of new development along designated scenic roadways. Corridor overlay districts are often defined to extend some specified distance from the centerline of the road (such as 200' or 500'), and may regulate clearing of vegetation, preservation of viewsheds and sight lines, architectural design of buildings, and other design characteristics. These controls should be achieved through specific design standards in the bylaw, and also through design review provisions, if desired. As long as the district does not address dimensional requirements, it can be adopted as part of the General Bylaw, meaning that it requires only a majority vote at Town Meeting and is not subject to grandfathering provisions.

Both the Monson and Leverett scenic districts require design review for all new development in the district. However, the bylaws could be adapted not to require formal design review for small projects (such as single-family homes) as long as the bylaw clearly specifies the design standards. The Leverett district regulates development within 1000' of Rattlesnake Gutter Road. This distance is excessive for most situations, but the bylaw could be adapted to apply to a narrower corridor (such as 200' on either side of the road), which would be more appropriate for most scenic roads.

Greater Gardner Sustainable Growth Management Plan
Sample Bylaws for Growth Management

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Type of Bylaw: Access Management

Problems/Challenges Addressed: Approval-Not-Required development, scenic roadways/town character, traffic safety on narrow roads

Town: Tisbury

Commentary: This powerful tool effectively prohibits rampant ANR development by limiting access to public ways to one curb cut per 1000 feet or one curb cut per pre-existing lot. The bylaw does not deny landowners access to their property, but does restrict how they can subdivide and develop their land.